

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

JAMES WALTERS, on behalf of himself and all others similarly situated,)	Case No. 1:21-cv-02831-JRS-MJD
)	
Plaintiff,)	Judge James R. Sweeney
)	
vs.)	Magistrate Judge Mark J. Dinsmore
)	
PROFESSIONAL LABOR GROUP, LLC,)	February 21, 2023
)	
Defendant.)	
)	

**DEFENDANT PROFESSIONAL LABOR GROUP, LLC’S
MOTION TO SET ORAL ARGUMENT**

Defendant, Professional Labor Group, LLC (“PLG”), by counsel and pursuant to S.D. Ind. L.R. 7-5, hereby moves the Court to set an oral argument on Defendant Professional Labor Group, LLC’s Motion for Summary Judgment on All Counts in Representative Plaintiff’s Collective Action Complaint (“MSJ”) [Dkt. 121]. In support hereof, PLG states as follows:

1. PLG’s request for oral argument is timely because it is being filed contemporaneously with PLG’s Reply to Plaintiff’s Response in Opposition to Defendant’s Motion for Summary Judgment [Dkt. 127].

2. Plaintiffs’ Collective Class Action Complaint alleges claims for relief that involve novel questions of law. These include the scope of the FLSA and interpretation and scope of 29 CFR § 785.39.

3. In its MSJ, PLG argues that the 29 CFR § 785.39 does not apply to this matter, and that any drive time by the Plaintiffs is non-compensable travel under the Portal-to-Portal Act. In response, Plaintiffs allege that the travel cuts across “normal working days” and is thus compensable.

4. While the facts of this matter are straightforward, allowing oral argument would assist the Court in assessing the merits of PLG's MSJ and provide the Court with a complete understanding of the facts before deciding on a case of first impression.

5. PLG requests that each side be permitted thirty (30) minutes to present oral arguments.

WHEREFORE, Defendant, Professional Labor Group, LLC, respectfully requests the Court to grant this Motion; to enter an Order setting an oral argument on PLG's Motion for Summary Judgment on All Counts in Representative Plaintiff's Collective Action Complaint [Dkt. 121]; and to grant it all other just and proper relief in the premises.

Respectfully submitted,

/s/ John J. Morse

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CERTIFICATE OF SERVICE

I do hereby certify that on this 21st day of February, 2023, a copy of the above and foregoing document was filed electronically. Notice of this filing will be sent to all parties of record by operation of the Court's electronic filing system. Parties may access this filing through the Court's system:

/s/ John J. Morse

John J. Morse